

CHAPTER 284

THE NGORONGORO CONSERVATION AREA ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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CHAPTER 284

THE NGORONGORO CONSERVATION AREA ACT

An Act to control entry into and residence within the Ngorongoro Crater Highlands Area, to make provision for conservation and development of natural resources therein and for related matters.

[1st July, 1959]

[s. 1]

Ord. No. 14 of 1959

[R.L. Cap. 413]

Acts Nos.

43 of 1963

5 of 1968

14 of 1975

PART I

PRELIMINARY PROVISIONS (ss 1-3)

[PCh284s1]1. Short title

This Act may be cited as the Ngorongoro Conservation Area Act.

[PCh284s2]2. Interpretation Acts Nos. 43 of 1963 s. 2; 14 of 1975 s. 7

(1) In this Act unless the context otherwise requires—

"Authority" means the Ngorongoro Conservation Area Authority established by section 4;

"the Board" means the Board of Directors of the Authority;

"closed area" means an area with respect to which a closing order has been made under section 26;

"Conservation Area" means the area to which this Act applies;

"Conservator" means the Conservator of the Conservation Area appointed in accordance with the provisions of section 7;

"forest produce" has the meaning ascribed to it in the Forests Act *;

"mining laws" means the Mining Act * and the Petroleum Exploration and Production Act *;

"Minister" means the Minister for the time being responsible for the conservation of natural resources;

"Regional Commissioner" means the Regional Commissioner for the Arusha Region;

"stock" means cattle, donkeys, sheep and goats.

(2) General orders made under this Act shall apply to persons generally or to any classes of persons who may be specified them.

(3) Special orders made under this Act shall apply to the persons to whom they are addressed.

[PCh284s3]3. Application

(1) This Act shall apply to the area described in the First Schedule to this Act.

(2) The President may, with the consent of the National Assembly by proclamation published in the Gazette, alter the boundaries of the area to which this Act applies.

PART II

NGORONGORO CONSERVATION AREA AUTHORITY (ss 4-20) Act No. 14 of 1975

s. 9

[PCh284s4]4. Establishment of Authority

(1) There is hereby established an authority which shall be known as the Ngorongoro Conservation Area Authority.

(2) The Authority shall be a body corporate with perpetual succession and a common seal and shall be capable in law of suing and being sued in its corporate name, of

purchasing, holding, alienating, managing and disposing of any property, whether movable or immovable, and whether by way of investment or otherwise, and of entering into any contract and other transactions which may be necessary or expedient for the performance of its functions under this Act or any other written law.

[PCh284s5]5. Board of Directors

(1) The management and functions of the Authority shall vest in a Board of Directors.

(2) The provisions of the Second Schedule to this Act shall have effect as to the composition of the Board, the appointment and termination of the appointment of its members, the proceedings of the Board and any other matters in relation to the Board and its members as are provided for in it.

(3) The President may, by order published in the Gazette, amend, vary or replace all or any of the provisions of the Second Schedule to this Act.

[PCh284s6]6. Functions of the Authority

The functions of the Authority shall be—

- (a) to conserve and develop the natural resources of the Conservation Area;
- (b) to promote tourism within the Conservation Area and to provide and encourage the provision of facilities necessary or expedient for the promotion of tourism;
- (c) to safeguard and promote the interests of Masai citizens of the United Republic engaged in cattle ranching and dairy industry within the Conservation Area;
- (d) to promote and regulate the development of forestry within the Conservation Area;

(e) to promote, regulate and facilitate transport to, from and within the Conservation Area;

(f) to construct roads, bridges, aerodromes, buildings and fences to provide such water supplies and to carry out any other works and activities which the Board may consider necessary for the purposes of the development or protection of the Conservation Area;

(g) to do all acts and things, which in the opinion of the Board, may be necessary to uphold and support the credit of the Authority and to obtain and justify public confidence, and to avert and minimise any loss to the Authority;

(h) to do anything and enter into any transaction which, in the opinion of the Board, is calculated to facilitate the proper and efficient exercise by the Authority of its functions under this Act, including—

(i) the carrying on of any of the activities of the Authority in participation with any other person;

(ii) the acquisition, by agreement, of interests in companies and firms engaged in activities in which the Authority may lawfully be engaged under this Act, and the management of the affairs or the continuance of the business of those companies and firms;

(iii) the establishment of branches within the United Republic or elsewhere.

[PCh284s7]7. Appointment of Conservator and Assistant Conservators

(1) The President shall appoint a Conservator of the Conservation Area.

(2) The Conservator shall be the principal executive officer of the Authority and shall be responsible to the Board.

(3) The Minister may appoint as many Assistant Conservators of the Conservation Area as he may consider necessary.

(4) The Assistant Conservators, if any, shall be subject to the directions of the Conservator.

[PCh284s8]8. Appointment of other officers and employees

The Board may from time to time appoint at any salaries and upon any terms and conditions which it may think fit, any other officers and employees of the Authority whom it may deem necessary for the proper and efficient conduct of the business and activities of the Authority.

[PCh284s9]9. Superannuation benefits

The Board may—

(a) grant gratuities or other retirement allowances or benefits to the officers and employees of the Authority;

(b) establish and contribute to a superannuation fund and a medical benefits fund for the officers and employees of the Authority;

(c) require any officer or employee of the Authority to contribute to any such superannuation fund or medical benefits fund and fix the amounts and method of payment of such contribution.

[PCh284s10]10. Agents and contractors

The Board may, from time to time, appoint and employ upon any terms and conditions which it thinks fit any agents and contractors of the Authority as the Board may deem necessary.

[PCh284s11]11. Power of the Board to delegate

(1) Subject to subsection (6), the Board may from time to time, by writing under the seal of the Authority delegate, subject to any terms, conditions and restrictions which it may specify, to any committee of the Board or to any officer or servant of the Authority, all or any of the functions, powers, authorities or duties conferred by or under this Act upon the Authority or the Board, and where any delegation is so made the delegated function, power, authority or duty may be performed or, as the case may be, exercised by the delegate subject to the terms, conditions and restrictions specified in the writing.

(2) Any delegation under subsection (1) may be made to the holder of an office under the Authority specifying the office but without naming the holder, and in every such case each successive holder of the office in question and each person who occupies or performs the duties of that office may, without any further authority, perform or, as the case may be, exercise the delegated function, power, authority or duty in accordance with the delegation made.

(3) The Board may revoke a delegation made by it under this section.

(4) No delegation made under this section shall prevent the Authority or the Board from itself performing or exercising the function, power, authority or duty delegated.

(5) Any delegation made under this section may be published in the Gazette, and upon the publication shall be judicially noticed and shall be presumed to be in force unless the contrary is proved.

(6) The Board shall not have power under this section to delegate—

- (a) its power of delegation; or
- (b) the power to approve the annual budget or any supplementary budget of receipts and expenditure, the annual balance sheet or any statement of account.

[PCh284s12]12. Funds and resources of the Authority

The funds and resources of the Authority shall consist of—

- (a) any sums which may be provided for the purposes of the Authority by Parliament, either by way of grant or loan;
- (b) any loan or subsidy granted to the Authority by the Government or any other person;
- (c) any sum or property which may in any manner become vested in the Authority as a result of the performance by the Authority of any of its functions;
- (d) any voluntary subscription, donation or bequest received by the Board from any member of the public for the purposes of the Conservation Area;
- (e) any fee or other monies received or raised by the Board pursuant to any provision of this Act or any subsidiary legislation made under it.

[PCh284s13]13. Annual and supplementary budget

(1) In this Act "financial year" means any period not exceeding twelve consecutive months designated in that behalf by the Board.

[Proviso omitted: Transitional provision.]

(2) Not less than two months before the beginning of any financial year (other than the first financial year) the Board shall, at its meeting especially convened for that purpose, pass a detailed budget (in this Act called the annual budget) of the amounts respectively—

(a) expected to be received; and

(b) expected to be disbursed,

by the Authority during that financial year.

(3) If in any financial year the Authority requires to make any disbursement not provided for or of an amount in excess of the amount provided for, in the annual budget for the year, the Board shall, at a meeting, pass a supplementary budget detailing the disbursement.

(4) The annual budget and every supplementary budget shall be in any form and include any details which the Minister may direct.

(5) Forthwith upon the passing of any annual budget or any supplementary budget, the Board shall submit the same to the Minister for his approval.

(6) The Minister shall, upon receipt of the annual budget or any supplementary budget, approve or disapprove the same or may approve it subject to any amendment as he may deem fit.

(7) Where the Minister has approved any annual budget or supplementary budget, the budget, as amended by him, shall be binding on the Authority which, subject to the

provisions of subsection (8), shall confine its disbursements within the items and the amounts contained in the budget as approved by the Minister.

(8) The Board may—

(a) with the sanction in writing of the Minister, make disbursement notwithstanding that the disbursement is not provided for in any budget;

(b) from the amount of expenditure provided for in any budget in respect of any item, transfer a sum not exceeding twenty thousand shillings to any other item contained in the budget;

(c) adjust expenditure limits to take account of circumstances not reasonably foreseeable at the time the budget was prepared, subject to submitting a supplementary budget to the Minister within two months of the alteration of expenditure limits becoming necessary.

[PCh284s14]14. Reserve and special funds

The Board may, and shall if so directed by the Minister, establish and maintain reserve or special funds of the Authority which the Board or the Minister may consider necessary or expedient, and shall make into or from any of those funds any payments which the Board may deem fit or, in the case of a fund established pursuant to a direction by the Minister, which the Minister may direct.

[PCh284s15]15. Investment

With the prior approval of the Minister, the Board may, from time to time, invest any part of the moneys available in any fund of the Authority maintained by it in such manner as the Board may deem fit.

[PCh284s16]16. Power to borrow

(1) With the prior approval of the Minister the Board may, from time to time, borrow moneys for the purposes of the Authority by way of loan or overdraft, and upon such security and such terms and conditions relating to the repayment of the principal and the payment of interest as, subject to any direction by the Minister, the Board may deem fit.

(2) A person lending money to the Authority shall not be bound to enquire whether the borrowing of that money by the Authority has been approved by the Minister.

[PCh284s17]17. Accounts and audit

(1) The Board shall cause to be provided and kept proper books of accounts and records with respect to—

(a) the receipt and expenditure of moneys by, and other financial transactions of, the Authority;

(b) the assets and liabilities of the Authority,
and shall cause to be made out for every financial year a balance sheet and a statement showing details of the income and expenditure of the authority and all its assets and liabilities.

(2) Not later than six months after the close of every financial year the accounts including the balance sheet of the Authority relating to that financial year shall be audited by the Tanzania Audit Corporation *.

(3) As soon as the accounts of the Authority have been audited, and in any case not later than six months after such audit, the Board shall submit to the Minister a copy of the report on it made by the auditors.

(4) As soon as practicable after the receipt by him of the copy of the statement together with the copy of the report submitted pursuant to subsection (3) the Minister shall lay a copy of the statement together with a copy of the auditor's report before the National Assembly.

[PCh284s18]18. Report by the Board

The Board shall, within six months after the end of each financial year, make a report to the Minister on the conduct of the Authority's business during that financial year, and the Minister shall lay a copy of the report before the National Assembly together with a copy of the statement of accounts required to be laid before the National Assembly by section 17.

[PCh284s19]19. President may give direction

The President may give to the Authority directions of a general or specific character as to the exercise by the Authority of any of its functions under this Act, and the Authority shall give effect to that direction.

[PCh284s20]20. Liability of members, etc.

Without prejudice to the provisions of section 284A of the Penal Code * or of the Public Officers (Recovery of Debts) Act *, no action thing done, or omitted to be done, by any member of the Board of Directors or by any officer, servant or agent of the Authority

shall, if done or omitted bona fide in the execution or purported execution of his duties as a member, officer, servant or agent, subject that person to any action, liability or demand.

PART III

CONTROL OF ENTRY INTO AND RESIDENCE AND SETTLEMENT WITHIN THE CONSERVATION AREA (ss 21-23)

[PCh284s21]21. Restriction of entry and residence in Conservation Area Acts Nos.
14 of 1975 s. 10; 43 of 1963 s. 5

(1) The Authority may, with consent of the Minister make rules prohibiting, restricting and controlling entry into and residence within the Conservation Area.

(2) Nothing in any rules made under this section shall operate so as to prohibit, restrict or control—

(a) the entry into or residence within the Conservation Area, or any part of it, of public officers on duty or the Conservator or any person authorised by him;

(b) the entry into the Conservation Area of persons holding in it any estate or interest in any land under a right of occupancy granted under section 6 or section 11 of the Land Act *, all reasonable access by those persons to the land or the residence of those persons on those land; or

(c) the entry into the Conservation Area of persons holding, over lands in it, a prospecting right or licence or exploration licence, or a mining lease granted or claim made under the mining laws, all reasonable access by those persons for the purposes of the right, licence, claim or lease, or the residence of those persons in accordance with the rights thereby conferred;

(d) the entry into or residence within the Conservation Area of the wives, children, dependants and servants of a person specified in paragraphs (a), (b) or (c) of this subsection, to the same extent which that person is not subject to the operation of those rules;

(e) the entry into the Conservation Area upon any public highway of persons travelling through the Conservation Area along the highway; or

(f) the entry into or residence within the Conservation Area of any person or category of persons specified by the Minister by an order published in the Gazette:

Provided that nothing in this subsection contained shall be construed as granting or recognising any right or title to land or any interest in, over or under land within the Conservation Area or as exempting any of the persons specified in this subsection from complying with any other provision of, or restriction imposed under this Act, or with any rules or orders made under it, notwithstanding that those provisions, restrictions, rules or orders may restrict, control or prevent the exercise of any right to which this subsection refers.

(3) Without prejudice to the generality of the power to make rules under this section, rules made under this section may—

(a) be made in respect of the whole Conservation Area or any part or parts of it;

(b) empower the Conservator to issue permits permitting persons to enter, or to enter and reside within, the area to which those rules apply, subject to any terms and conditions which the Authority may think fit;

(c) [Repealed by Act No. 14 of 1971 s. 10.];

(d) empower the conservator or any person authorised by him and such other persons who may be specified in it to require any person within the area to which those rules apply to produce any permit issued to him or to satisfy the member or other person as aforesaid that he is a person to whom those rules do not apply;

(e) empower the Conservator to erect barriers on roads or tracks into or within the Conservation Area for the control of entry into the area to which those rules apply, to close the roads or tracks to traffic and to prohibit, control and regulate the erection and display of signs and advertisements on or adjacent to roads or tracks within the Conservation Area;

(f) require the payment of, and prescribe fees to be paid on the issue of a permit to enter or to enter and reside in the area to which those rules apply, and prescribe different fees for different classes of persons or in respect of the different purposes for which persons seek to enter or reside in it;

(g) attach to the breach of any rule or of any term or condition inserted in a permit issued by the Conservator, penalties not exceeding the penalties prescribed in subsection (1) of section 38;

(h) authorise the removal by the Conservator or any person authorised by him and such other persons who may be specified in it of any person found within the area to which the rules apply in contravention of those rules;

(i) provide generally for all matters or things necessary or incidental to the preceding provisions.

(1) The Authority may, with the consent of the Minister, make rules requiring the persons who are described in paragraphs (b), (c), (d) and (f) of subsection (2) of section 21 or any of them or any class of them, who reside in, or seek to enter the Conservation Area, to apply for a certificate of residence.

(2) Without prejudice to the generality of the power to make rules under this section, rules made under this section may—

(a) be made in respect of the whole Conservation Area or any part or parts of it;

(b) authorise or require the Conservator or any other persons as may be specified in it to issue certificates to any persons who apply for them and who satisfy the Conservator or the other persons that they are persons to whom the rules apply;

(c) require all persons to whom a certificate is issued to produce the same to any person specified in the rules;

(d) authorise the Conservator to impose conditions in the certificate requiring the holder to enter or leave the area to which the rules apply at any particular place or places;

(e) prohibit, regulate or control the entry into or residence within the area to which the rules apply of any person who is required to apply for a certificate of residence who is not in possession of that certificate;

(f) attach to the breach of any condition contained in the certificate or to the breach of any rule made under paragraph (e) of this subsection, penalties not exceeding the penalties prescribed in subsection (1) of section 38;

(g) authorise the removal by the Conservator or any person authorised by him or any other persons who may be specified in it of any person required to apply for a certificate of residence who is not in possession of it when found in the area to which the rules apply;

(h) provide generally for all matters or things necessary or incidental to the preceding matters.

(3) [Repealed by Act No. 14 of 1975 s. 11.]

[PCh284s23]23. Control of residence and settlement Act No. 14 of 1975 s. 12

(1) The Authority may, by order published in the Gazette, prohibit, restrict or control residence or settlement in any part of the Conservation Area other than land held under a right of occupancy granted under the Land Act * or land which is the subject of a claim made or, a mining lease granted, under the mining laws, for the time and in the manner which it thinks fit.

(2) Without prejudice to the generality of the power to make orders under this section, orders made under this section may—

(a) be made in respect of any category of residents or settlements;

(b) provide for exemption therefrom and for the issue of permits of exemption subject to any conditions as the Conservator may think fit;

(c) authorise the removal from any area to which the order applies of any person who takes up or continues residence or makes or continues any settlement in contravention of any that order or of any condition contained in a permit.

PART IV

CONTROL OF CULTIVATION AND GRAZING AND PROTECTION OF NATURAL RESOURCES (ss 24-28)

[PCh284s24]24. Conservation of soil and protection of natural resources Act No. 14 of 1975 s. 13

(1) The Authority may, if in its opinion it is necessary or expedient so to do for the purpose of the conservation of the soil of, or the prevention of soil erosion on, the Conservation Area or any part of it or otherwise for the protection and preservation of the natural resources of the Conservation Area, make order, either in relation to any particular parcel of land or generally in relation to the Conservation Area—

- (a) prohibiting, restricting or controlling the use of land for any purpose;
- (b) prohibiting, restricting, limiting or controlling—
 - (i) the introduction, grazing, watering or movement of stock;
 - (ii) the firing, clearing or destruction of vegetation including stubble;
 - (iii) the use of wells, boreholes, waterholes, water-courses, streams, rivers or lakes;
 - (iv) the gathering of honey or forest produce;

(v) the exercise of any rights in relation to forest produce determined under the provisions of the Forests Act *;

(vi) the introduction or removal of flora or fauna;

(vii) the use of agricultural implements or machinery;

(viii) the carrying or use of weapons, snares, traps, nets or poison;

(c) requiring, regulating or controlling—

(i) the afforestation or reforestation of land;

(ii) the protection of slopes and closed areas;

(iii) the drainage of land, including the construction, maintenance or repair of artificial or natural drains, gullies, contour banks, terraces and diversion ditches;

(iv) the uprooting or destruction of any vegetation;

(v) the removal of stock;

(d) prohibiting, restricting or controlling—

(i) the construction or extension of buildings or works, or restricting or controlling its siting;

(ii) the construction or extension of any roads or tracks or restricting or controlling this siting or alignment:

Provided that no order made under paragraph (d) of this subsection—

(a) shall operate so as to require any person to demolish, destroy, alter or remove any buildings, works, roads or tracks of a permanent nature or any part of them which were constructed prior to the coming into operation of this Act; or

(b) shall operate so as to prevent the construction or extension of any buildings, works, roads or tracks by the holder of a right of occupancy granted under section 6 or 11 of the Land Act * who is required to construct or extend the same by its terms or conditions; or

(c) shall operate to prevent the construction or extension of any buildings, works, roads or tracks by the holder of a claim made or lease granted under the mining laws, within the limits of the claim or lease, which are necessary for the enjoyment of the right granted under that claim or lease.

(2) Without prejudice to the generality of the power to make orders under this section, general orders made under this section may provide—

(a) for any exemptions or conditional exemptions from their operation which may be specified;

(b) for the grant of permits or conditional permits of exemption from their operation and in particular for the exercise of the rights granted by those permits during any time or at any intervals which may be specified;

(c) for their application to certain periods or seasons of the year or to certain times or at certain intervals;

(d) that any act or thing be done at or within the time which may be specified and to the satisfaction of the Conservator, or any person specified in them;

(e) that the orders, and any permits issued under them, shall be subject to any special orders made under this section.

(3) Without prejudice to the generality of the power to make orders under this section, special orders made under this section may–

(a) provide for any of the matters specified in paragraphs (a), (c) and (d) of subsection (2) of this section; and

(b) require any act or thing to be done and prohibit any act or thing from being done before or after any specified time.

[PCh284s25]25. Prohibition of cultivation Act No. 14 of 1975 s. 14

No person shall use any parcel of land in the Conservation Area for cultivation.

[PCh284s26]26. Closing orders Act No. 14 of 1975 s. 15

(1) The Authority may, if it is of the opinion that any land within the Conservation Area, other than land occupied by a dwelling house, shop or premises used for the accommodation of travellers and visitors, or under a mining claim made, or a mining lease granted, under the mining laws, is being or may become despoiled, by order, direct that that land be a closed area.

(2) Any order made under this section shall specify the area to which it applies and shall state that the occupation and cultivation of land within that area, the depasturing of cattle, the cutting down or destruction of vegetation and the taking of forest produce in that area are prohibited.

[PCh284s27]27. Executive powers of Authority Act No. 14 of 1975 s. 16

The Authority may take measures within the Conservation Area–

(a) for the control, conservation and utilisation of water including storm water;

(b) for the protection of the source, course and banks of streams, rivers, furrows, waterholes, watercourses, wells and lakes;

(c) for the mitigation and prevention of soil erosion;

(d) for the protection of flora and fauna;

(e) for the control, prevention and extinguishment of grass fires; and

(f) for the improvement of the soil, vegetation and water resources,

and may construct or execute any works which the Authority thinks necessary or expedient for any of those purposes.

[PCh284s28]28. Rights of entry Act No. 14 of 1975 s. 17

(1) Any person authorised in writing in that behalf by the Authority may at any time enter upon any land within the Conservation Area, other than land occupied by a dwelling house—

(a) for the purpose of ascertaining whether any measures are necessary or desirable for its conservation or improvement;

(b) for the purpose of ascertaining whether the land is being used in accordance with the provisions of any order made under section 23, 24 or 26, or for the purpose of communicating those orders;

(c) together with any necessary workmen, agents, contractors, supervisors or organisers, for the purpose of taking any measures or constructing or executing any works authorised under the provisions of section 27, or of inspecting, repairing or maintaining any works so constructed or executed.

(2) No compensation shall be payable to the owner of any land or of any interest in it upon which works have been constructed without negligence under the provisions of section 24 and of this section.

PART V

ORDERS AND APPEALS (ss 29-34)

[PCh284s29]29. Subsidiary legislation Act No. 14 of 1975 s. 18

All subsidiary legislation made under this Act shall be published in the Gazette and where the subsidiary legislation has been published in English, the Authority shall, as soon as practicable after the publication, cause to be published in the Gazette its Kiswahili translation:

Provided that—

(a) where any order is made under this Act which does not relate to the whole of the Conservation Area but relates to only a portion of it or any parcel of land within the Conservation area, the Authority may, in lieu of causing such order to be published in the Gazette, cause copies of it to be posted at the office of the Conservator, and at the headquarters of the District within which the land lies;

(b) where any order is made which affects only one person and his family (including his domestic staff), the order may be served on that person either by delivery to that person or a member of his household of its copy or by affixing its copy on the outer door or some conspicuous part of the premises in which such person resides or carries on business or works for gain where so served the order shall be valid and effective notwithstanding that it has not been otherwise published.

[PCh284s30]30. Appeals against refusal to grant permit, certificate or other authority Act No. 14 of 1975 s. 20

(1) Any person aggrieved by—

(a) the refusal of the Conservator or any other person authorised in that behalf to issue or grant to him any permit, certificate or other authority which may be issued or granted under this Act or any subsidiary legislation made under it;

(b) any condition or term annexed to that permit, certificate or other authority issued or granted to him,

may appeal to the Authority against the refusal or the imposition of the condition or term.

(2) Any person aggrieved by the decision of the Authority on any appeal under subsection (1), may appeal against it to the Minister.

[PCh284s31]31. Appeal against orders Act No. 14 of 1975 s. 20

Any person aggrieved by any order made under this Act which adversely affects him, may appeal against that order to the Minister:

Provided that no appeal under this section shall lie—

(a) save where the order, not being a general order, is a special order made in relation to the person aggrieved by it or any member of his household or in relation to any parcel of land in or over which that person has an interest under a right of occupancy, lease, tenancy or mortgage;

(b) against any order made under section 26.

[PCh284s32]32. Powers on appeal Act No 14 of 1975 s. 20

(1) On appeal under section 30 or section 31 the appeals authority may affirm, vary or set aside the decision or order appealed against and where any decision or order is varied, modified or set aside, the appeals authority may give directions in respect of any matter or thing previously done or suffered under the decision or order appealed against.

(2) Subject to any further appeal provided for by this Act, the decision of the appeals authority and any direction given by it shall be final and binding upon all the parties concerned, and shall not be subject to review by any court.

(3) In this section "appeals authority" means—

- (a) on an appeal to the Authority, the Authority;
- (b) on an appeal to the Minister, the Minister.

[PCh284s33]33. Special provisions relating to appeals to the Authority Act No. 14 of 1975 s. 20

(1) Every appeal to the Authority under this Act shall be heard and determined by the Appellate Committee of the Authority consisting of three members of the Board nominated in that behalf by the Minister:

Provided that the Conservator shall not be eligible for nomination as a member of the Appellate Committee.

(2) The Minister may nominate one of the members of the Appellate Committee to be the Chairman of the Committee.

(3) The decision of the Appellate Committee shall be deemed to be the decision of the Authority and shall take effect accordingly.

[PCh284s34]34. Minister may make rules relating to appeals Act No. 14 of 1975 s.

20

The Minister may, by rules prescribe—

- (a) the procedure on an appeal under this Part;
- (b) the fee to be paid on instituting any appeal;
- (c) the time within which any appeal may be instituted.

PART VI

ENFORCEMENT AND PENALTIES (ss 35-39)

[PCh284s35]35. Power to demolish works Acts Nos. 14 of 1975 s. 21; 43 of 1963 s.

14

(1) The Authority may, by special order, require any person who has constructed or extended any buildings, works, roads or tracks in contravention of any order made under this Act to modify, demolish or destroy the same within the period which the Authority may specify.

(2) If any person fails to comply with the requirement, under subsection (1) it shall be lawful for any person authorised in writing in that behalf by the Authority to enter upon any land together with all necessary workmen, agents, contractors, supervisors and organisers and to cause the building, works, road or track to be modified, demolished or destroyed, and the Authority may recover the cost of the modification, demolition or destruction from the person in default by civil suit.

(3) The Authority may sell any materials recovered from any buildings or works which it has caused to be demolished or destroyed under subsection (2) and shall apply the

proceeds of the sale, first towards the expenses thereof, secondly, in payment or part payment of the costs incurred in the execution of the powers contained in subsection (2) and thirdly, shall pay any surplus to the owners of the buildings or works.

[PCh284s36]36. Power to seize stock and weapons Acts Nos. 45 of 1963 s. 15; 14 of 1975 s. 22

Where any officer, the Conservator, an Assistant Conservator or any other person authorised in writing in that behalf by the Authority has reason to believe that—

- (a) the depasturing of any stock;
- (b) the use of any agricultural implements or machinery;
- (c) the carrying or use of any weapon, snare, trap, net, or poison;
- (d) the gathering of any honey; or
- (e) the taking or obtaining of any forest produce,

is in contravention of any order made under Part IV of this Act, he may seize that stock, implements, machinery, weapon, snare, trap, net, poison, honey or forest produce:

Provided that the person seizing that property shall immediately report the seizure to the nearest magistrate.

[PCh284s37]37. Powers of arrest Act No. 14 of 1975 s. 23

A police officer, the Conservator, an Assistant Conservator or any other person authorised in writing in that behalf by the Authority may arrest without warrant any person who he reasonably suspects has committed an offence against this Act or against any rules made under it, where—

(a) that person refuses to give his name and address or gives a name and address which there is reason to believe to be false; or

(b) there is reason to believe that that person will abscond:

Provided that where an arrest is made under this section the person making the arrest shall ensure that the person so arrested is taken without any undue delay before the nearest magistrate.

[PCh284s38]38. Offences Act No. 14 of 1975 s. 24

(1) Any person who—

(a) contravenes or fails to comply with an order made under section 23, 24 or 26; or

(b) contravenes or fails to comply with any condition of a permit issued under this Act; or

(c) obstructs any person in the exercise of his powers under sections 27, 28, 35, 36 or 37,

commits an offence against this Act and upon conviction is liable, in the case of a first conviction, to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding two years or to both the fine and imprisonment; and in the case of a second or subsequent conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding five years or to both the fine and imprisonment.

(2) Any person who tampers with or wilfully damages or alters any works constructed or executed by or on behalf of the Authority under this Act commits an offence against this Act and on conviction is liable to a fine not exceeding fifty thousand

shillings or to imprisonment for a term not exceeding seven years or to both the fine and imprisonment; and any works so tampered with, damaged, or altered may be replaced or repaired by or on behalf of the Authority at the expense of any person convicted under this subsection and the cost so incurred may be recovered upon the order of the court as if it were a fine imposed by the court.

[PCh284s39]39. Forfeiture of stock and weapons, etc. Act No. 43 of 1963 s. 19

Where any person has been convicted of an offence under the provisions of subsection (1) of section 38 in respect of the depasturing of stock, the varying or use of weapons, snares, traps, nets or poison, the use of agricultural implements or machinery or the gathering of honey or the taking or obtaining of forest produce, the court may order that the stock, weapons, snares, traps, nets, poison, agricultural implements or machinery, honey or forest produce, be forfeited to the Government.

PART VII

MISCELLANEOUS PROVISIONS (ss 40-45)

[PCh284s40]40. Conduct of prosecutions Act No. 5 of 1968 s. 3

The Conservator or an Assistant Conservator, may conduct a prosecution for an offence against this Act or any rules made under it and shall for that purpose have the powers of a public prosecutor for the purposes of the Criminal Procedure Act *.

[PCh284s41]41. Power to compound offences Act No. 43 of 1963 s. 19

(1) The Conservator and any person authorised in writing in that behalf by the Conservator may, if he is satisfied that any person has committed an offence against this

Act or any rules made under this Act compound that offence by accepting from that person a sum of money:

Provided that—

- (i) that sum of money shall not exceed two hundred shillings;
- (ii) the power conferred by this section shall only be exercised where the person admits that he has committed the offence and agrees in writing to the offence being dealt with under this section;
- (iii) the person exercising the power conferred by this section shall give to the person from whom he receives that sum of money a receipt for it and shall as soon as practicable report the exercise of that power to the Conservator (unless the person executing the power is the Conservator) and to the Regional Commissioner;
- (iv) subject to subsection (2), if any proceedings are brought against any person for an offence against this Act or any rules made under it shall be a good defence if that person proves that the offence with which he is charged has been compounded under this section;
- (v) any sum of money received under this section shall be dealt with as if the sum of money were a fine imposed by a court.

(2) Where an offence under subsection (1) of section 38 is compounded under the provisions of this section, a court may make an order under section 39 as if the person concerned had been convicted by that court of that offence:

Provided that no such order shall be made unless the person concerned has first had an opportunity of being heard.

[PCh284s42]42. Operation of other laws

(1) Subject to the provisions of subsection (2) of this section, nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which also constitutes an offence against this Act or from being liable under that other law to any greater punishment or penalty than that provided by this Act, provided that no person shall be punished twice for the same offence.

(2) [Omitted: Spent.]

[PCh284s43]43.-44. Repealed

[Repealed by Act No. 14 of 1975 s. 25.]

[PCh284s45]45. Rules Act No. 43 of 1963 s. 22

The Minister may make rules generally for the better carrying out of the purposes of this Act and, in particular, but without prejudice to the generality of the preceding provisions, may make rules requiring the payment of and prescribing fees (in addition to any fees which may be prescribed under section 21) for anything required or permitted to be done under this Act or any orders made by the Authority under it.

FIRST SCHEDULE

THE NGORONGORO CONSERVATION AREA

(Section 3)

All that land within Ngorongoro District of Arusha Region within the following boundaries:

Commencing on the north at beacon No. SNP. 9 the boundary follows the east and south boundaries of the Serengeti National Park to beacon No. SNP. 41; thence due south

to a point on the northern shore of Lake Eyasi; thence in a north-easterly direction along the northern shore of Lake Eyasi, and following the Mbulu-Masai district boundary to its junction with the Northern Highlands Forest Reserve; thence in an easterly direction along the southern boundary of the Northern Highlands Forest Reserve to its point of intersection with the top of the Rift Escarpment; thence following the top of the Rift Escarpment to Kerimasi Mountain; thence in a north-westerly direction in a straight line to the point of commencement.

SECOND SCHEDULE Act No. 14 of 1975 s. 27

(Section 5)

1. Construction

In this Schedule unless the context requires otherwise—

"appointing authority" means, in relation to the Chairman of the Board, the President and in relation to any other member, the Minister;

"member" includes the Chairman.

2. Composition of Board

(1) The Board shall consist of—

- (a) a Chairman, who shall be appointed by the President;
- (b) the Conservator who shall also be the Secretary of the Board; and
- (c) not less than six and not more than eleven other members appointed by the

Minister.

(2) In making appointments under subparagraph (b) of paragraph 1 the Minister shall ensure that the members appointed are persons who will, in his opinion, perform their functions under the Ordinance having regard to the national interest.

3. Proceedings not to be invalid by reason of irregularity

No act or proceeding of the Board shall be invalid by reason only of the number of members not being complete at the time of the act or proceeding or of any defect in the appointment of any member or of the fact that any member was at the time disqualified or disentitled to act as a member.

4. Tenure of appointment

(1) A member of the Board shall, unless his appointment is sooner determined by the appointing authority, or he otherwise ceases to be a member hold office for any period which the appointing authority may specify in his appointment, or if no period is so specified for a period of three years from the date of his appointment, and shall be eligible for re-appointment:

Provided that in the case of a member who is a member by virtue of his holding some other office, he shall cease to be a member upon his ceasing to hold that office.

(2) Any member of the Board may, at any time resign by giving notice in writing to the appointing authority and from the date specified in the notice or, if no date is so specified, from the date of the receipt of the notice by the appointing authority, he shall cease to be a member.

5. Absence from three consecutive meetings

Where any member absents himself from three consecutive meetings of the Board without reasonable excuse the Board shall advise the appointing authority of the fact and the appointing authority may terminate the appointment of the member and appoint another member in his place.

6. Appointment of temporary member

Where any member is, by reason of illness, infirmity or absence from the United Republic, unable to attend any meeting of the Board the appointing authority may appoint a temporary member in his place and that temporary member shall cease to hold office on the resumption of office of the substantive member.

7. Vice-Chairman

The Board shall elect one of its members to be the Vice-Chairman and any member elected as Vice-Chairman shall, subject to his continuing to be a member, hold office of Vice-Chairman for a term of one year from the date of his election and shall be eligible for re-election.

8. Power of Chairman and Vice-Chairman

(1) The Chairman shall preside at all meetings of the Board.

(2) Where at any meeting of the Board the Chairman is absent, the Vice-Chairman shall preside.

(3) In the absence of both the Chairman and the Vice-Chairman at any meeting of the Board the members present may, from amongst their number, elect a temporary Chairman who shall preside at that meeting.

(4) The Chairman, Vice-Chairman or a temporary Chairman presiding at any meeting shall have a casting vote in addition to his deliberative vote.

9. Meetings and procedure of Board

(1) The Board shall meet not less than once during every year and at any additional times which may be fixed by the Chairman or, if he is absent from the United Republic or unable for any reason to act, the Vice-Chairman.

(2) The Chairman or, in his absence from the United Republic, the Vice-Chairman may, and shall upon application in writing by at least five members, convene a special meeting of the Board at any time.

(3) The Secretary of the Board shall give to each member adequate notice of the time and place of meeting.

10. Quorum

At any meeting of the Board not less than one-half of the members in office for the time being shall constitute a quorum.

11. Decisions of Board

Subject to the provisions relating to a casting vote, all questions at a meeting of the Board shall be determined by a majority of the votes of the members present.

12. Decisions by circulation of papers

Notwithstanding the preceding provisions of this Schedule, decisions may be made by the Board without a meeting, by circulation of the relevant papers among the members and the expression of the views of the majority of them in writing:

Provided that any member shall be entitled to require that any such decision be deferred and the subject matter be considered at a meeting of the Board.

13. Seal of the Authority

(1) The seal of the Authority shall be of the shape, size and form which the Board may determine.

(2) The seal shall be authenticated by the signature of the Chairman, or the Secretary or any officer of the Authority authorised to act in that behalf by the Board.

14. Signification of other documents

All documents (other than those required by law to be under seal) to be executed by the Authority and all decisions of the Board shall be signified under the hand of the Chairman, or the Secretary, or any member of the Board or officer of the Authority authorised in that behalf by the Board.

15. Record of proceedings of Board

(1) The Board shall cause minutes of all proceedings of meetings of the Board to be entered in a book kept for that purpose.

(2) Any minutes if purporting to be approved by, and signed by the Chairman of, the next succeeding meeting of the Board shall be evidence of the proceedings and, until the contrary is proved, the meeting to which the minutes relate shall be deemed to have been duly convened and all proceedings at it to have been duly transacted.

16. Board may regulate its proceedings

Subject to the provisions of this Schedule the Board may regulate its own proceedings.

